

REMARKS

A. Status of the Claims

Claims 24-34 were pending at the time of the Restriction Requirement. Claim 24 has been amended to include the term “isolated.”

B. Response to Restriction Requirement

In response to the restriction requirement, which the Examiner imposed, Applicant elects the Group II invention (*i.e.*, claims 33-34) with traverse. The Action fails to meet its burden of establishing that the groups do not relate to a single inventive concept under PCT Rule 13.1. Current claim 24 is directed to an isolated N- and C-terminally double truncated tau molecule further defined as a type IA tau molecule, type IB tau molecule, type IIA tau molecule, or type IIB tau molecule. Furthermore, claim 33 specifically refers to claim 24 in reciting “A transgenic animal expressing a molecule of claim 24.” The Action merely asserts that the truncated tau molecules recited in the claims were known in the prior art, but does not identify any specific reference providing such a teaching. Absent evidence to the contrary, these particular molecules provide a special technical feature that defines a contribution over the prior art, and the restriction between Groups I and II should be withdrawn.

C. Response to Species Election Requirement

The Examiner also has entered a species election requirement with regard to the IA tau, IB tau, IIA tau, and IIB tau. Applicant elects IIA tau with traverse. Claims 24, 29-30, and 33-34 are readable on the elected species. The IA tau, IB tau, IIA tau, and IIB tau represent different functional classes of truncated tau molecules, all of which are detectable in Alzheimer’s diseased brain tissue but are not detectable in normal brain tissue (*see e.g.*, Specification, p. 6-9). It would not be an undue burden on the Examiner to examine these species together given their common structural features and their common feature of being detectable in Alzheimer’s diseased brain

tissue but not detectable in normal brain tissue. Applicant, therefore, requests the withdrawal of the species election requirement. In the event the species election is not withdrawn, Applicant reserves the right to have additional species considered upon the allowance of a generic claim.

D. Conclusion

Applicant believes this paper to be a full and complete response to the Restriction Requirement dated April 11, 2007. Should the Examiner have any questions, comments, or suggestions relating to this case, the Examiner is invited to contact the undersigned Applicant's representative at (512) 536-5654.

Respectfully submitted,



Travis M. Wohlers
Reg. No. 57,423
Attorney for Applicant

(Customer No. 32425)
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
512.536.5654 (voice)
512.536.4598 (fax)

Date: June 11, 2007